

September 10, 2026

The Honourable Dominic LeBlanc, P.C., K.C., M.P.
President of the King's Privy Council for Canada
Minister responsible for the *Building Canada Act*
Ottawa, Ontario
Canada

Submitted via email: WCOPComment-CommentaireOCO@mpo-bgp.gc.ca and
dominic.leblanc@parl.gc.ca

RE: Proposed designation of the West Coast Oil Pipeline as a project of national interest

Dear Minister LeBlanc:

Thank you for the opportunity to provide comments on the Government of Canada's consideration of the [proposed West Coast Oil Pipeline](#) for designation as a [project of national interest under the 2025 Building Canada Act](#).¹

Friends of the San Juans is a U.S.-based environmental nongovernmental organization established in 1979 and based in Friday Harbor, Washington. Our mission is to bring people and nature together to protect the San Juan Islands and the transboundary Salish Sea through education, science, policy, and law.

Friends of the San Juans urges the members of the Governor in Council to not designate the proposed West Coast Oil Pipeline as a project of national interest. The proposed pipeline remains at an early stage and presents substantial unresolved environmental and safety risks and impacts that extend beyond Canada's borders.

The proposed West Coast Oil Pipeline has substantial transboundary risks and impacts

Although this is a Canadian project, the proposed West Coast Oil Pipeline, which includes a Marine Terminal and associated oil tanker traffic would increase the risk of accidents and oil spills in the shared waters of the Salish Sea, including designated critical habitat for Southern Resident killer whales. These risks threaten Indigenous Peoples' inherent,

¹ Government of Alberta. (July 2, 2026). [WEST COAST OIL PIPELINE PROJECT](#). Submission by the Government of Alberta to the Major Projects Office for Listing Under the Building Canada Act. STATUTES OF CANADA 2025. (June 26, 2025). [An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act](#).

Aboriginal, and treaty rights and the resources necessary to exercise those rights, as well as maritime safety, communities, economies, and ecosystems on both sides of the Canada-U.S. border.

The Salish Sea is one of the world's largest and most biodiverse inland seas, providing habitat for a wide variety of marine species and ecosystems.² The Salish Sea provides an estimated \$91 billion to \$153 billion annually in ecosystem services, including fisheries, tourism, recreation, carbon storage and climate regulation, water filtration, flood protection, and cultural and Indigenous values.³ The transboundary Salish Sea region also encompasses Indigenous Peoples' inherent, Aboriginal, treaty, and reserved rights, as well as lands, waters, species, habitats, and cultural resources necessary for the meaningful exercise of those rights, none of which can be adequately represented through monetary valuation alone.

On August 1, 2026, the federal government published a notice in the *Canada Gazette* signaling its intent to designate the proposed West Coast Oil Pipeline as a project of national interest under the 2025 *Building Canada Act*.⁴ The designation as a national interest project would allow the federal government of Canada to fast-track permits and authorizations without the oversight and scrutiny that would normally assess a project's risks, impacts, and merits.

The proposed West Coast Oil Pipeline is a one-million-barrel-per-day pipeline that will terminate near the U.S.-Canada border.

The proposed Roberts Bank Delivery Terminal and Marine Facility (Roberts Bank Marine Terminal) will cover an area of approximately 260 hectares, including setback flexibility that could also function as temporary workspace. The Terminal design includes 15 tanks with a working storage capacity of 6,500,000 bbl [barrels] and will occupy approximately 130 hectares. ...

The Marine Facility will include a causeway, jetty, berthing area, utility berth and offshore marine facility. Two marine berths will be designed to support very large crude carrier vessels (VLCCs), which have a capacity between 1.9 and 2.2 million bbl.⁵

The proposed project would export crude oil using Very Large Crude Carriers, some of the largest oil tankers in the world that range from approximately 200,000 to 320,000 deadweight tons. Very Large Crude Carriers pose heightened navigational, accident, and oil

² SeaDoc Society webpage. [About the Salish Sea](#).

³ Mackey, Erin and Cousins, Ken. 2022. [Nature's Value in the Salish Sea: the Ecosystem Services of the Salish Sea Basin](#).

⁴ Major Projects Office, *Canada Gazette*, Part I, Vol. 160, No. 31, Supplement. (August 1, 2026). "[Notice – West Coast Oil Pipeline](#)."

⁵ Government of Alberta. (July 2, 2026). [WEST COAST OIL PIPELINE PROJECT](#). Submission by the Government of Alberta to the Major Projects Office for Listing Under the Building Canada Act. Page 6.

spill risks due to the Salish Sea's geographically constrained waterways that have strong currents, sharp turns, and environmentally sensitive habitats. Recognizing these risks, Washington State and U.S. laws prohibit oil tankers larger than 125,000 deadweight tons from operating in the Salish Sea east of a line between the lighthouses near Port Angeles, Washington, and Victoria, British Columbia.⁶

As proposed, the Very Large Crude Carriers would transit narrow passages along the U.S.-Canada border which includes the Turn Point Special Operating Area where ships must make a sharp turn of nearly 90 degrees.⁷ The Salish Sea's strong currents, constrained waterways, crossing and opposing vessel traffic that includes both commercial ships and recreational boats, equipment failure, human error, and severe weather require detailed and extensive project-specific evaluations. Furthermore, the limitations on the effectiveness of Emergency Towing Vessel responses, and the significant challenges of responding to a tar sands crude oil spill and other emergency response challenges, also require detailed and extensive project-specific evaluations.

Canada should not use the Canadian side of a shared waterway to introduce Very Large Crude Carrier risks and impacts that Washington State and the U.S. have excluded from the shared waters of the Salish Sea. Unless the proponent demonstrates through a comprehensive and independently reviewed site-specific, cumulative, and transboundary analysis that the proposed project's Very Large Crude Carrier traffic would not create unacceptable risks and impacts, the precautionary approach requires rejection of the proposal as submitted.

Indigenous Peoples' inherent, Aboriginal, and treaty rights must be protected

The proposed decision must fully respect the inherent, Aboriginal, and treaty rights of potentially affected Indigenous Peoples, including the rights recognized and affirmed by section 35 of Canada's *Constitution Act, 1982*,⁸ and the rights affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*.⁹ To comply with this Act, the proposed project must identify and assess potential adverse effects on the inherent, Aboriginal, treaty, and reserved rights of potentially affected First Nations and U.S. Tribes, as well as on the lands, waters, cultural places, habitats, species, and other resources necessary for the meaningful exercise of those rights. Canada must also undertake early, meaningful, and good-faith consultation with potentially affected Indigenous rights-holding Nations,

⁶ [33 CFR 165.1303](#) Puget Sound and adjacent waters, WA—regulated navigation area.

[RCW 88.16.190](#) Oil tankers—Restricted waters—Requirements.

⁷ U.S. Department of Homeland Security. United States Coast Guard - Pacific Area. [Turn Point Special Operating Area](#).

⁸ Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11, [s. 35](#).

⁹ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res. 61/295, UN GAOR, 61st Sess., Supp. No. 49, UN Doc. A/RES/61/295 (13 September 2007); [United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14](#).

including U.S. Tribes. Canada's decision-making process must prioritize avoiding adverse effects and require meaningful accommodation where such effects cannot be avoided.

The proposed pipeline and marine terminal require rigorous seismic review

Available regional hazard mapping classifies portions of the Roberts Bank area as having a very high earthquake-induced liquefaction hazard (see map below).¹⁰ Given the extraordinary volume of tar sands crude oil that would be transported to and concentrated at the proposed Roberts Bank Marine Terminal, the proponent should be required to demonstrate that the proposed project would not create an unacceptable risk of a catastrophic tar sands crude oil spill.

It would be premature for the Governor in Council to designate the proposal as a project of national interest before the proponent completes and publicly discloses a comprehensive, independently reviewed, site-specific seismic and geotechnical assessment. At a minimum, the assessment should evaluate liquefaction triggering and consequences, differential settlement, lateral spreading, loss of bearing capacity, ground deformation, tank-foundation performance, pipeline and loading-arm failure, secondary-containment integrity, fire and explosion hazards, tsunami and seiche risks,¹¹ and cascading failures affecting multiple tanks or systems. It should evaluate both design-basis and credible worst-case seismic events and demonstrate that the facility would not create an unacceptable risk of a catastrophic crude oil spill.

If the proponent cannot demonstrate, with a high degree of scientific confidence, that the facility would not create an unacceptable risk of a catastrophic crude-oil spill, Canada should not approve the proposal as submitted.

¹⁰ Alireza Javanbakht et al. "[Metro Vancouver Liquefaction Hazard Mapping](#)." Canadian-Pacific Conference on Earthquake Engineering, June 25-30, 2023.

¹¹ A seiche is a standing wave oscillating in a semi- or fully-enclosed body of water. See NOAA webpage [What is a seiche?](#)

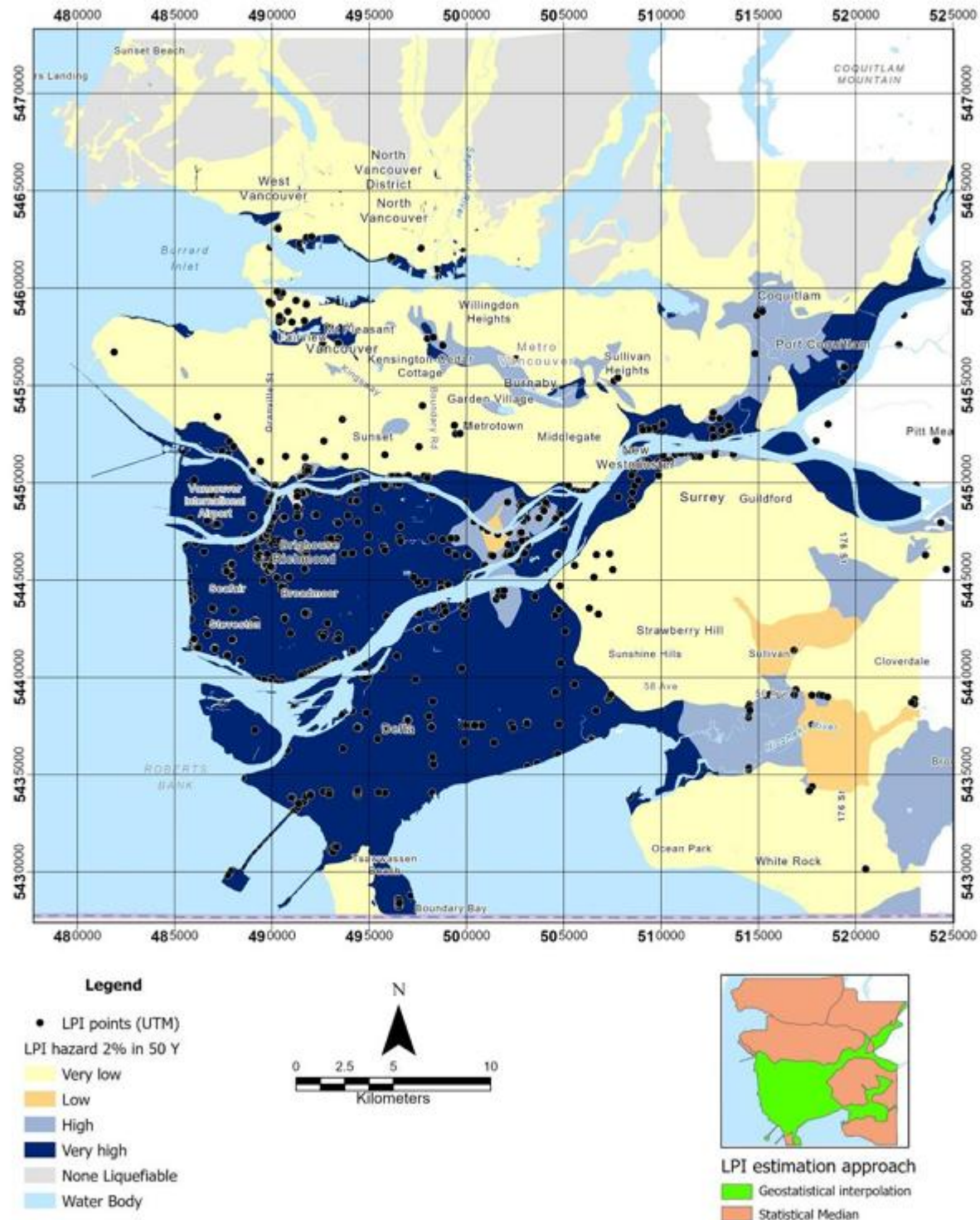


Figure 5- Probabilistic liquefaction hazard mapping of Metro Vancouver with LPI for 2% POE in 50 years.

The proposed project's risks and impacts to Southern Resident killer whales

Friends of the San Juans was a co-petitioner in the successful effort to list Southern Resident killer whales as endangered under the U.S. Endangered Species Act. Southern Residents have also been listed under Canada's *Species at Risk Act* since 2003. The protection and recovery of the critically endangered and at risk Southern Resident killer whales remains a top priority for our organization.

The proposed project would add the following risks and impacts to a population already facing multiple cumulative threats:

- **Vessel strikes.** The Very Large Crude Carriers will increase the risk of vessel strikes that can result in whale deaths.¹² This is especially concerning for endangered and at-risk populations like the Southern Resident killer whales, where the death of even one whale, particularly a reproductive female, can have detrimental population consequences.¹³
- **Oil-spill risk.** The Very Large Crude Carriers and the location of the marine terminal in an area with a very high earthquake-induced liquefaction hazard will increase the risk of a major oil spill. A major oil spill could be catastrophic to the critically endangered Southern Resident killer whales, and oil spill prevention is a key strategy to avoid their extinction.¹⁴
- **Foraging disturbance.** The proposed project's increase in tanker traffic will increase the disruption of Southern Resident killer whales' foraging. Research shows disproportionate effects on females which could impact reproduction and population recovery.¹⁵
- **Underwater noise.** The proposed project's Very Large Crude Carriers would increase vessel noise which reduces the ability of whales and other marine species to communicate, navigate, find prey, and respond to threats.¹⁶

Underwater noise and vessel disturbance are significant threats to the survival and recovery of Southern Resident killer whales.¹⁷

It would be premature for the Governor in Council to designate the proposal as a project of national interest before the proponent completes and publicly discloses a comprehensive,

¹² NOAA Fisheries webpage. [Endangered Species Conservation - Vessel Strikes](#).

¹³ Stephen Raverty et al. 2020. [Pathology findings and correlation with body condition index in stranded killer whales \(*Orcinus orca*\) in the northeastern Pacific and Hawaii from 2004 to 2013](#).

¹⁴ National Oceanic and Atmospheric Administration. 2008. [Recovery Plan for Southern Resident Killer Whales](#).

¹⁵ NOAA Fisheries webpage. (January 12, 2021). [Nearby Vessels Interrupt Feeding of Southern Resident Killer Whales, Especially Females: Study finds that females often give up foraging when vessels approach](#).

¹⁶ Christine Erbe, et al. (2019). [The Effects of Ship Noise on Marine Mammals: A Review](#). Frontiers in Marine Science.

¹⁷ NOAA Fisheries webpage. [Southern Resident Killer Whale Noise and Disturbance Research](#).

independent, peer-reviewed, and transboundary assessment of the project's cumulative effects on Southern Resident killer whales. That assessment should:

- quantify the project's vessel-strike risk;
- model the project's incremental and cumulative underwater noise throughout the complete Very Large Crude Carrier route in Canadian and U.S. Southern Resident killer whale critical habitats;
- evaluate interference with foraging, communication, navigation, and prey detection;
- examine disproportionate effects on females and consequences for reproduction;
- assess routine operations, credible accidents, and worst-case oil spills; and
- evaluate these impacts over the terminal's full operating life in combination with existing and reasonably foreseeable vessel traffic and other cumulative stressors.

If the proponent cannot demonstrate, with a high degree of scientific confidence, that the project would not impede the survival or recovery of Southern Resident killer whales, the precautionary approach requires rejection of the proposal as submitted.

Designation of the West Coast Oil Pipeline as a project of national interest would be premature

The *Building Canada Act* establishes an accelerated approval framework for listed national interest projects. The Canadian government's objective of completing reviews of major projects within two years raises serious concerns for a project of this scale, complexity, and transboundary reach. A credible assessment must allow enough time for baseline data collection across multiple seasons, site-specific seismic and geotechnical investigations, navigational simulations, oil-spill modelling, cumulative-effects analysis, alternatives analysis, and meaningful consultation with potentially affected First Nations, U.S. Tribes, federal and state/provincial agencies, local governments, and communities on both sides of the border.

Transboundary cooperation and a coordinated evaluation of project-related risks and impacts is needed for a project proposal of this magnitude, with a marine terminal located near the U.S.-Canada border and with Very Large Crude Carrier traffic transiting the Canada-U.S. border. For more than a century, the United States and Canada have recognized through the [Boundary Waters Treaty](#) that actions affecting shared waters require cooperation and consideration of cross-border impacts.¹⁸ Canada and the United States formally committed to cooperative stewardship of the shared Salish Sea ecosystem through the [Joint Statement of Cooperation on the Georgia Basin and Puget Sound Ecosystem](#), signed on January 19, 2000, and continued through the [Canada-U.S. Cooperation in the](#)

¹⁸ [Treaty Between the United States and Great Britain Relating to Boundary Waters, and Questions Arising Between the United States and Canada](#) (Boundary Waters Treaty), signed January 11, 1909, 36 Stat. 2448, T.S. No. 548 (entered into force May 5, 1910).

[Salish Sea: 2025-2028 Action Plan](#).¹⁹ British Columbia and Washington have also established formal environmental cooperation agreements to address transboundary environmental issues and major projects.²⁰ Designating the West Coast Oil Pipeline as a project of national interest would be inconsistent with these longstanding commitments to cooperation, transparency, and stewardship of shared natural resources.

Requested action

The proponent has not demonstrated that the proposed project is in Canada's national interest under section 5 of the *Building Canada Act*. In particular, the record does not establish that the project would strengthen Canada's autonomy, resilience, and security; provide net economic or other benefits to Canada; have a high likelihood of successful execution; advance the interests of Indigenous peoples; or contribute to clean growth and Canada's climate objectives. The Governor in Council, or federal Cabinet, should also consider other relevant factors, including transboundary environmental and public-safety risks and impacts, the consequences of a marine oil spill, seismic and geotechnical hazards, adverse effects on Indigenous rights and treaty-protected resources, and impacts on the shared waters and ecosystems of the Salish Sea.

Designation under the *Building Canada Act* should be reserved for projects that affirmatively satisfy the Act's national-interest considerations. The proposed West Coast Oil Pipeline does not meet that standard. Until all of the investigations identified above are completed and independently reviewed, the Governor in Council cannot reasonably conclude that the project has a high likelihood of successful execution or is suitable for accelerated designation.

Friends of the San Juans therefore urges the Governor in Council to not list the proposed West Coast Oil Pipeline in Schedule 1 of the *Building Canada Act*. At a minimum, no listing decision should be made until the project's design and route are sufficiently developed to support comprehensive, independent, peer-reviewed, cumulative, and transboundary environmental and safety assessments and meaningful consultation with all potentially affected Sovereign Nations, including U.S. Tribes, and provincial/state and local governments and agencies, and communities.

Sincerely,



Lovel Pratt
Marine Protection and Policy Director

¹⁹ Environment and Climate Change Canada and U.S. Environmental Protection Agency. (2024). [Canada–United States Cooperation in the Salish Sea: 2025–2028 Action Plan](#).

²⁰ British Columbia Environmental Assessment Office and Washington State Department of Ecology. [Memorandum of Understanding Between the Washington State Department of Ecology and the British Columbia Environmental Assessment Office](#). Amended October 29, 2003.

Cc. The Honorable Lummi Nation Chairman Anthony Hillaire
The Honorable Swinomish Indian Tribal Community Chair Steve Edwards
The Honorable Tulalip Tribes Chair Teri Gobin
The Honorable Suquamish Tribe Chairman Leonard Forsman
The Honorable Nooksack Indian Tribe Chairwoman RoseMary LaClair
The Honorable Makah Tribe Chair Timothy J. "TJ" Greene, Sr.
The Honorable U.S. Senator Maria Cantwell
The Honorable U.S. Senator Patty Murray
The Honourable Member of Parliament Elizabeth May
The Honorable U.S. Representative Rick Larsen
The Honorable U.S. Representative Suzan DelBene
The Honorable Governor Bob Ferguson
The Honorable Washington State Representative Debra Lekanoff
The Honorable Washington State Representative Alex Ramel
The Honorable Washington State Senator Liz Lovelett
The Honorable Washington State Representative Alicia Rule
The Honorable Washington State Representative Joe Timmons
The Honorable Washington State Senator Sharon Shewmake
The San Juan County Council
The Whatcom County Council
The Islands Trust Council
Mayor Marianne Alto and members of Victoria City Council
Mayor George V. Harvie and members of Delta Council
Casey Sixkiller, Director, Washington State Department of Ecology